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.35 Action on Reported Information

HANDBOOK BEGINS HERE

See handbook section in 63-504.26 for Saldivar v. McMahon court order requirements for timely and adequate notice.

HANDBOOK ENDS HERE

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- .351 The CWD shall take prompt action on all changes to determine if the reported information affects the household's eligibility and/or benefit level.
- (a) If the reported change results in the household becoming ineligible, the CWD shall terminate the household's participation effective the next issuance month unless the household is suspended, as specified in Sections 63-504.371 or .372.
 - (b) Excess resources shall not be counted if they are reduced to the resource limit in the month received.
- .352 If the change reported on the CA 7, except for the addition of a new household member results in an increase or decrease in benefits, the CWD shall make the change effective the next issuance month and notify the household as specified in Section 63-504.26.
- .353 If the reported change results in an increase or decrease in a household's benefits due to the addition of a new household member, the CWD shall make a determination of the new household member's eligibility within 30 days of the date the change was reported. To complete the determination, the CWD has the option either to require the household to complete the CA 8, or to contact the household to obtain the necessary information for the new member and update the last application. However, if the change in circumstances brings continued eligibility into question, the CWD may shorten the certification period of the household, as specified in Section 63-504.14, and proceed to recertify the household.
- (a) The CWD shall issue benefits for the new member effective the first of the month following the month in which the change was reported. The new member shall be required to comply with the verification requirements specified in Section 63-300.5 and the work registration requirements specified in Section 63-407. If the new member is not eligible to participate, the CWD shall treat the income of that excluded member as specified in Section 63-503.44.

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- (b) The CWD shall prospectively budget the new member's income and specific deduction in combination with the existing household's retrospectively budgeted income and deductions to determine the household's benefit level for the first two months the new member is added to the household. The entire household shall be retrospectively budgeted in the third and subsequent months. If the new member had been providing income to the household on an ongoing basis prior to becoming a member of the household and that new member's income had been budgeted retrospectively, the CWD shall exclude the previously provided income in determining the household's issuance month benefits and eligibility.
1. The CWD shall add a previously excluded member's income (an individual who was disqualified for an IPV or failure to comply with workfare or work requirements, was ineligible because of failure to comply with the social security number requirement, or was previously an ineligible alien), retrospectively. The previously excluded member shall be added to the household the month after the disqualification period ends. All other previously excluded members such as SSI/SSP individuals or ineligible students, shall have his/her income added prospectively in accordance with the procedures in paragraph (a) of this section.

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- (c) The CWD shall notify the household as specified in Section 63-504.26, if the new member's income and resources make the household ineligible or result in a reduction or increase in benefits.

.354 If the household reports the addition of a new member after the extended filing date for the appropriate month, the CWD shall determine the effect of the new member's income, resources, and deductions on the existing household's eligibility and benefit level.

- (a) The CWD shall prospectively budget the income and deductions of the new member for the first two months following the month in which the new member should have been included as a member of the household. The CWD then shall follow the budgeting procedures as specified in Section 63-504.353(b).
- (b) The CWD shall establish a claim against the household, in accordance with Section 63-801, to recover any overissuances resulting from the unreported addition of the household member.
- (c) The household shall not be entitled to any restoration of lost benefits resulting from the unreported addition of the household member, in accordance with Section 63-802.1.

.355 The household shall provide, as specified in Sections 63-300.51 and 63-504.32, the information necessary to complete the determinations of eligibility and benefit levels for the household and the new member(s).

- (a) If the household refuses to provide the necessary information, their participation shall be terminated as specified in Section 63-505.1.
- (b) If the household fails to provide the necessary information regarding the new member on the CA 7 for the budget month in which the change was reported, the CA 7 is considered incomplete and the household's participation shall be terminated as specified in Section 63-504.361(b).

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- .356 The income and specific deductions of a member leaving the household shall be disregarded when determining the household's eligibility and benefit level for the month following the month in which the change was reported. The household shall be sent a notice of action as specified in Section 63-504.26 if the household's allotment increases or decreases. The remaining household members' benefit level shall continue to be retrospectively budgeted.
- .357 If a household reports a change outside of the CA 7, the CWD shall evaluate the effect of the change on the household's eligibility and benefit level. Regardless of the effect, the CWD shall inform the household to include the information on the next month's CA 7 and inform the household of any additional verification requirements.
- (a) If the change results in the household's ineligibility, the CWD shall terminate the household's participation effective the first issuance month following the timely notice of the termination.
- (b) Except for the addition of a household member, if the change affects the benefit level, the CWD shall note the information in the case file, reflect the change in the corresponding issuance month and notify the household as specified in Section 63-504.26.
- .36 Termination
- .361 The CWD shall terminate a monthly reporting household's participation in the Food Stamp Program if the household:
- (a) Is no longer eligible for Food Stamps or a change in household circumstances makes the household prospectively ineligible for one or more months, except if the household is suspended as specified in Sections 63-504.371 or .372. The household shall be notified as specified in Section 63-504.261.
- (b) Fails to submit a complete CA 7 by the extended filing date. The household shall be notified as specified in Section 63-504.27.

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- (c) Fails to comply with a nonfinancial eligibility requirement, such as the work registration requirements. The household shall be notified as specified in Section 63-504.261.
 - (d) Requests the termination in writing. The household shall be notified as specified in Section 63-504.267(f).
- .362 If a household whose participation has been terminated reapplies in the month following termination, the household shall be required to provide the CA 7 which is due in the month following termination. If the household's participation was terminated for failure to submit a complete CA 7 by the extended filing date, they also shall be required to submit the missing CA 7(s) and complete an application. The application shall be processed as an untimely application for recertification. If the household fails to provide the CA 7(s), the reapplication shall be denied.
- .363 If a household whose participation has been terminated submits a complete CA 7 after the issuance month, the household shall be required to complete an application and the CWD shall consider it as an initial application.
- .37 Suspension
 - .371 The CWD shall suspend a household, in the issuance month corresponding to the budget month in which the change occurred, if receipt of an additional routine check (third check for those paid biweekly and fifth check for those paid weekly) results in a period of ineligibility lasting no more than one month.
 - .372 For changes that could not be or were not anticipated by the household or the CWD and that result in a one-month period of ineligibility, the CWD shall suspend the household for the issuance month corresponding to the budget month in which the change occurred.

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- (a) Excess resources shall not be counted if they are reduced to the resource limit in the month received.
- (b) If a suspended household experiences an unanticipated change resulting in an additional one month period of ineligibility, the CWD shall terminate the household at the end of the month of suspension. If the household reapplies in the month following termination and is prospectively determined to be eligible for benefits, the CWD shall approve the application. If ineligible in the month of reapplication due to retrospective budgeting, the CWD shall suspend the household for the month of reapplication and continue to retrospectively budget the household's income and deductions in the subsequent months.

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- .373 The CWD shall notify the household of the suspension as specified in Section 63-504.264, and supply the household with a CA 7 for the month of suspension.
- .374 The household shall be required to submit the complete CA 7 by the normal due date. If the household fails to submit the CA 7 by the normal due date, the CWD shall notify the household as specified in Section 63-504.27.
- .375 If the suspended household fails to submit a complete CA 7 for the month of suspension by the extended filing date, the CWD shall terminate the household's participation.
- .376 Retrospective budgeting shall be used to calculate the household's benefit level in the month following suspension, if the household is eligible to participate in the Food Stamp Program.
- .38 Issuance of Benefits
- .381 Timely Issuance
- The CWD shall issue benefits by the household's regular issuance date, to an eligible household which has filed a complete CA 7 by 10 days before the end of the report month.
- .382 Delayed Issuance
- If an eligible household fails to file a complete CA 7 after 10 days before the end of the report month, but files a complete CA 7 by the extended filing date, the CWD shall issue the household's benefits as soon as administratively feasible. However, if necessary the CWD may delay providing the household an opportunity to participate up to 10 days after its normal issuance date.
- .39 Mass Changes
- Certain changes are initiated by the state or federal government which may affect the entire caseload or significant portions of the caseload. These changes include adjustments to the income eligibility standards, the shelter and dependent care deductions; the thrifty food plan and standard deduction; annual adjustments to the standard utility allowance; and other changes in the eligibility criteria based on legislative or regulatory actions.

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.391 Federal Adjustments to Eligibility Standards, Allotments, Deductions, and State Adjustments to the Standard Utility Allowance

- (a) These adjustments shall go into effect for all households at a specific point in time. Adjustments to the thrifty food plan, the standard deduction, shelter and dependent care deductions, and the maximum income eligibility standards shall be implemented prospectively regardless of the household's budgeting method. Adjustments shall be effective for all issuances upon the effective dates, as specified in Handbook Section 63-1101.
- (b) An individual notice of action shall not be provided for these mass changes. However, the CWD shall publicize these mass changes through the news media; posters in certification offices, issuance locations, or other sites frequented by certified households; or general notices mailed to households.
- (c) The CWD shall handle mass changes to General Assistance (GA) payments in the same manner as public assistance adjustments.

.392 Mass Changes in Public Assistance

- (a) When the CWD makes an overall adjustment to AFDC, RCA, ECA, or GA/GR payments, corresponding adjustments in household's food stamp benefits shall be handled as a mass change. When the CWD has at least 30 days' advance knowledge of the amount of the AFDC, RCA, ECA, or GA/GR adjustments, the CWD shall recompute food stamp benefits to be effective in the same month as the AFDC, RCA, ECA, or GA/GR changes. If the CWD does not have sufficient notice, the food stamp change shall be effective not later than the month following the month in which the AFDC, RCA, ECA, or GA/GR changes were made.
- (b) A timely notice of action is not required when a household's Food Stamp benefits are reduced or terminated as a result of a mass change in the AFDC, RCA, ECA, or GA/GR grants. However, the CWD shall send individual notices to households to inform them of the change. If a household requests a state hearing, benefits shall be continued at the former level only if the issue being appealed is that Food Stamp eligibility or benefits were improperly computed.

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.4 Effecting Changes for Nonmonthly Reporting Households

.41 Change Report Form (DFA 377.5)

The CWD shall provide a DFA 377.5 to all nonmonthly reporting households.

.411 At a minimum, a DFA 377.5 shall be provided:

- (a) At the time of certification;
- (b) At recertification, if the household needs a new form; and
- (c) Whenever a DFA 377.5 is returned by the household.

.412 The DFA 377.5 shall include a toll-free number or number where collect calls will be accepted for households living outside the local calling area.

.42 Action on Reported Changes for Prospectively Budgeted Households

.421 The CWD shall take prompt action on all reported changes to determine if the change affects the household's eligibility or allotment.

- (a) The CWD shall document in the case file the date the change is reported by telephone or personal contact or the date the DFA 377.5 is received.
- (b) The CWD shall notify the household of any change in their benefits as specified in Section 63-504.26, or shall advise the household of any additional verification required in order to effect the change. The CWD also shall send a new DFA 377.5.

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- (c) Changes reported during the certification period shall be subject to the same verification procedures as apply at initial certification, with the following exceptions.
 - (1) The CWD shall not verify income if the source is unchanged and the amount has changed by \$25 or less.
 - (2) The CWD shall not verify utility expenses which are unchanged or have changed by \$25 or less.
 - (3) The CWD shall not verify medical expenses which are unchanged or have changed by \$25 or less. Also, changes in medical expenses obtained from a source other than the household shall not be acted on if, in order to take action, the CWD is required to contact the household for verification. The CWD shall only act on changes received from another source if they are verified upon receipt and do not necessitate contact with the household.
 - (4) The CWD shall not verify an unchanged legal obligation to pay child support to a nonhousehold member or a decrease in the amount of child support paid.
- (d) The CWD shall verify changes to voluntarily reported medical expenses if the change is over \$25 and would increase the household's allotment. In the case of a reported change that would decrease the household's allotment, or make the household ineligible, the CWD shall act on the change without requiring verification, although verification which is required because the amount is over \$25 shall be obtained prior to the household's recertification.
- (e) The CWD shall verify questionable information which is incomplete, inaccurate, inconsistent or outdated.

.422 Increase in Benefits

Restoration of lost benefits shall be provided to a household if the CWD fails to take action within the following time frames on a change which increases benefits.

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- (a) For changes which result in an increase in a household's allotment, other than those specified in Section 63-504.422(b), the CWD shall make the change effective no later than the first allotment issued 10 days after the date the change was reported to the CWD.
- (b) For changes which result in an increase in a household's benefits due to the addition of a new household member who is not a member of another certified household, or due to a decrease of \$50 or more in the household's gross monthly income, the CWD shall make the change effective not later than the month following the month in which the change is reported. If the change is reported after the 20th day of a month and it is too late for the CWD to adjust the following month's allotment, the CWD shall issue a supplementary authorization document or otherwise provide an opportunity for the household to obtain the increase in benefits by the 10th day of the following month, or the household's normal issuance cycle in that month, whichever is later.
- (c) Changes which result in an increase in the household's benefits shall be verified, as specified in Sections 63-300.5 and 63-504.325(a), prior to taking action on these changes. The household shall be allowed 10 days from the date the change is reported to provide the required verification.
 - (1) If the household provides verification within the 10 days, the CWD shall take action on the changes within the time frames specified in Sections 63-504.422(a) and (b). These time frames shall run from the date the change was reported.
 - (2) If the household fails to provide the required verification within 10 days after the change is reported, but provides the verification at a later date, the time frames specified in Sections 63-504.422(a) and (b), shall run from the date verification is provided.
 - (3) In cases where the CWD has determined that a household has refused to cooperate, as specified in Section 63-505.1, the CWD shall terminate the household's participation following the issuance of a timely notice of action.

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.423 Decrease in Benefits

If the household's benefits decrease or the household becomes ineligible as a result of the change, the CWD shall issue a timely notice of action within 10 days of the date the change was reported. The decrease in benefits shall be made effective not later than the issuance date for the month following the month in which the timely notice period expires, provided a state hearing and continuation of benefits have not been requested.

.43 Nonmonthly Reporting Households Receiving PA Benefits

.431 PA households which report a change in circumstances to the CWD shall be considered to have reported the change for food stamp purposes.

.432 The CWD shall use the CA 7 as the Food Stamp report form for PA households. The CWD shall ensure that the following requirements are met for PA households not subject to food stamp monthly reporting:

- (a) These households shall not have their eligibility terminated or allotments changed merely because they fail to submit one or more of the system's regular reports. If a household's PA benefits are terminated due to the household's failure to submit a timely or complete CA 7, the CWD shall follow the procedures set forth in Section 63-504.435.
- (b) These households shall be considered to have timely reported changes if the CA 7 is submitted within the time frames for submitting a timely CA 7 or the change was reported within 10 days of the date the change became known to the household, whichever is later.
- (c) The CWD shall not restrict these households to reporting changes only on the CA 7. These households shall be allowed to report changes on the CA 7, in person or by telephone.
- (d) The CWD shall act on all changes reported on the CA 7, in accordance with the processing standards in Section 63-504.42. The CWD shall ensure that adjustments are made in a household's eligibility or allotment only for those months in which the reported change is anticipated to remain in effect.

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- .433 These households shall be sent a notice of action whenever their benefits are changed as a result of changes in the PA benefits. If the PA benefits are terminated, but the household is still eligible for food stamp benefits, members of the household shall be advised of food stamp work registration requirements, if applicable, as their PA work registration exemption no longer applies.
- .434 Whenever a change results in the reduction or termination of a household's PA benefits within their Food Stamp certification period, and the CWD has sufficient information to determine how the change affects the household's Food Stamp eligibility and benefit level, the CWD shall take the following action:
- (a) If a change in household circumstances requires both a reduction or termination in PA benefits and a reduction or termination in Food Stamp benefits, the CWD shall provide the household with a timely notice of action at the same time that it provides the household with the appropriate PA notice of action.
 - (1) If the household requests a state hearing and continuation of benefits by the effective date of the action, the household's Food Stamp benefits shall be continued as specified in Section 63-804.6.
 - (2) If the household does not request a state hearing the change shall be made effective as specified in Section 63-504.42.
 - (b) If a household's Food Stamp benefits will be increased as a result of the reduction or termination of PA benefits, the CWD shall issue the appropriate PA notice of action, but shall not take any action to increase the household's Food Stamp benefits until the household decides whether it will appeal the PA adverse action.
 - (1) If the household requests a state hearing and continuation of their PA benefits, the household's Food Stamp benefits shall continue at the same level until the end of the household's certification period or until a hearing decision upholds the CWD action to reduce or terminate PA benefits, whichever occurs first.
 - (2) If the household does not appeal, the CWD shall make the change effective as specified in Section 63-504.421, except that the time limits for the CWD to act on changes which increase a household's benefits shall be calculated from the date the timely PA notice period expires.

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.435 Whenever a change results in the termination of a household's PA benefits within their Food Stamp certification period, and the CWD does not have sufficient information to determine how the change affects the household's Food Stamp eligibility and benefit level, the CWD shall take the following action:

- (a) When a PA notice of action has been sent the CWD shall wait until the household's timely notice period expires or until the household requests a state hearing, whichever occurs first. If the household requests a state hearing and its PA benefits are continued pending the hearing, the household's food stamp benefits shall be continued at the previous level.
- (b) If a PA notice of adverse action is not required, or the household decides not to request a state hearing and continuation of its PA benefits, the CWD shall shorten the household's certification period, in accordance with Section 63-504.14.

.44 Failure to Report

If the CWD discovers that the household failed to report a change as specified in Section 63-505.5 and, as a result, received benefits to which it was not entitled, the CWD shall file a claim against the household.

.441 A household shall not be held liable for a claim because of a change in household circumstances which it is not required to report.

.442 Individuals shall not be disqualified for failing to report a change unless they are disqualified for an intentional Program violation as specified in Section 63-805.

.45 Mass Changes

Mass changes, as defined in Section 63-504.391 for nonmonthly reporting households shall be processed in accordance with Sections 63-504.391(a) and (b).

.46 Social Security Benefit Cost-of-Living Adjustments (COLAs)

The CWD shall automatically adjust the household's food stamp benefits to reflect the Social Security COLA. Any changes shall be made no later than the second allotment issued after the effective date of the Social Security benefit payment change.

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.461 CWDs with a computer system that can identify households receiving Title II Social Security benefits and extract the new Social Security benefit payment amount shall effect these changes in accordance with Section 63-504.46.

.462 CWDs lacking this computer capability shall use one or a combination of the following methods to make this change in accordance with Section 63-504.46:

(a) Recertification Process

All new food stamp households which contain at least one member who receives Social Security benefits shall, on a one-time basis, be assigned a certification period that will expire no later than the second month following the effective date of the Social Security change. The recertification process time standards and notices to households shall be in accordance with Sections 63-504.25 and 63-504.61.

(b) Desk Reviews

Identify all food stamp households receiving Social Security benefit payments through desk reviews.

(1) CWDs shall compute the new Social Security benefit amount by using the Social Security percentage adjustment factor provided by CDSS.

(A) Overissuances caused by CWD error in applying the Social Security Administration (SSA) adjustment factor cannot be attributed to the household. For underissuances, restoration of lost benefits is mandated in Section 63-802.1.

.5 Procedures for Households Changing Their Reporting and Budgeting Status

.51 Households which become subject to monthly reporting/retrospective budgeting

The CWD shall change the reporting/budgeting status of households which become subject to monthly reporting at any time following the change in household circumstances which results in a change in the household's monthly reporting/retrospective budgeting status subject to the following conditions:

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- .511 The CWD shall provide the household with information as specified in Section 63-300.41. If the CWD implements the change during the certification period, it may omit the oral explanations for monthly reporting/retrospective budgeting.
- .512 The CWD shall not require the household to submit a CA 7 during any month in which the household was subject to nonmonthly reporting requirements.
- .52 Households which are no longer subject to monthly reporting/retrospective budgeting
- The CWD shall use the following procedures to remove households from the monthly reporting/retrospective budgeting system.
- .521 For any household which becomes exempt from the monthly reporting/retrospective budgeting system as specified in Section 63-505.21, the CWD shall notify the household within 10 days of the date the CWD becomes aware of the change that:
- (a) The household has become exempt from monthly reporting and is no longer required to file any future CA 7s. This does not apply to households in which one or more household members are in receipt of cash aid from programs such as AFDC, GA/GR, RCA or ECA which do require a monthly report.
 - (b) The household has also become exempt from retrospective budgeting, and when
 - (c) The change in budgeting will go into effect.
- .522 The CWD shall begin determining the household's benefits prospectively in the first month that the household is no longer required to file a CA 7.

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.6 Recertification of All Households

.61 General Requirements

- .611 The CWD shall complete the application process and approve or deny a timely application for recertification prior to the end of the household's current certification period and shall provide an eligible household with an opportunity to participate by the household's normal issuance cycle in the month following the expiration of the household's certification period. Entitlement to expedited service for households submitting applications for recertification shall be determined in accordance with Section 63-301.51. The CWD shall not continue benefits beyond the end of the certification period unless the household has been recertified.
- (a) The joint processing requirements in Section 63-301.6 for PA and PA categorically eligible households shall also apply to applications for recertification.
- (b) If the PA redetermination is not timely completed for categorically eligible households, the food stamp recertification shall not be delayed and must be completed in accordance with Section 63-504.6. PA Categorical eligibility shall be assumed.
- (1) The provisions of Section 63-301.7, for certain eligibility factors, verification provisions, and the benefit determination continue to apply to categorically eligible households at recertification.
- (2) If the recertified household is subsequently terminated from PA benefits, the CWD shall follow the procedures specified in Sections 63-503 and 504.123(b).

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- .612 All households shall be provided notice of the impending expiration of their certification period as specified in Section 63-504.251. The CWD also shall provide the household with an application, which may be sent with the notice, including an appointment date for an interview. Or, the application and appointment date may be mailed or given to the household separately.
- .613 Timely Application for Recertification
- (a) Monthly reporting households which file a complete CA 7 on or before the 11th of the last month of the certification period, and an application no later than the recertification interview shall be considered to have made a timely application for recertification.
 - (b) All nonmonthly reporting households, except those provided a notice of action informing them of the expiration of their certification period at the time of certification, who file applications by the 15th day of the last month of the certification period shall be considered to have made a timely application for recertification.
 - (c) Nonmonthly reporting households provided a notice of action informing them of the expiration of their certification period at the time of certification shall have 15 days from the date the notice is received to file a timely application for recertification.
 - (1) To determine if adequate time has been permitted, the CWD shall use the date on the notice of action, plus two days for mailing time.
 - (2) In cases of dispute, if the household can demonstrate that the notice of action was not received in a timely manner and otherwise submits their application within 15 days after receiving the notice, the CWD shall consider the household to have made a timely application for recertification.

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.614 Any household receiving a notice of action informing them of the expiration of their certification period shall attend any interview scheduled by the CWD on or after the date the application is timely filed in order to retain their right to uninterrupted benefits.

- (a) The CWD may schedule the interview prior to the date the application is timely filed provided the household is not denied at that time for failing to appear for the interview.
- (b) The CWD shall schedule the interview on or after the date the application was timely filed if the interview has not been previously scheduled, or the household has failed to appear for any interviews scheduled prior to this time and has requested another interview.
- (c) If the household does not appear for any interview scheduled in accordance with this section, the CWD need not initiate any further action.

.615 Repealed by Manual Letter No. FS-87-05, effective 7/1/87.

.616 CWD Action on Timely Applications for Recertification

The CWD shall provide uninterrupted benefits to any household determined eligible after the household timely files an application and attends an interview. The CWD shall provide uninterrupted benefits within the time standards listed below even if, to meet these standards, the CWD must provide an opportunity to participate outside the normal issuance system.

- (a) Households provided a notice of action informing them of the expiration of their certification period at the time of certification and that have timely reapplied shall be notified of their eligibility or ineligibility and provided an opportunity to participate, if eligible, not later than 30 days after the date of their last opportunity to participate.
- (b) For all other households that have met all required application procedures, the CWD shall approve or deny the application and notify the household of its determination by the end of the current certification period. For households determined eligible, the CWD shall provide an opportunity to participate by the household's normal issuance cycle in the month following the end of their current certification period.

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- (c) Households which have timely reapplied, but due to CWD error are not determined eligible in sufficient time to provide for issuance in the household's normal issuance cycle for the following month, shall receive an immediate opportunity to participate upon being redetermined eligible.

.617 Failure to Submit a Timely Application for Recertification

Households who file an application for recertification after the dates specified in Section 63-504.613, but by the end of the certification period, shall be considered to have made an untimely application for recertification.

.618 CWD Action on Untimely Applications for Recertification

- (a) Any household shall lose their right to uninterrupted benefits if they fail:
 - (1) To submit a timely application for recertification unless the household is entitled to expedited service and the application is filed at least three days prior to the next normal issuance date in the new certification period; or
 - (2) To appear for an interview.
- (b) Households making an untimely application for recertification shall not be denied at that time, unless they refuse to cooperate, or the certification period has lapsed and the CWD chooses to make denials at that time. If the household is otherwise eligible after correcting such failures, the CWD shall, at a minimum, provide benefits no later than 30 days after the date the application was filed.
- (c) For applications received in the month following the expiration of the certification period, benefits shall be prorated as specified in Section 63-503.13. However, eligible households who receive a notice of action informing them of the expiration of their certification period at the time of certification shall not have benefits for the first month of the new certification period prorated if they file their applications for recertification by the filing deadline specified on the notice of action.

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(Continued)

- (d) Denials for untimely applications for recertification including those for failure to complete the interview timely, shall be completed either by the end of the current certification period or within 30 days after the date the application was filed as long as the household has had adequate time for providing the missing verification.
- (e) Any applications not submitted in a timely manner shall be treated as an application for initial certification. For nonmonthly reporting households who submit applications within 30 days after the certification period expires, previously verified income or actual utility expenses need not be verified if the source has not changed and the amount has not changed by more than \$25.

.619 CWD Failure to Act

CWD failure to provide eligible households which filed a timely application for recertification and met all processing steps in a timely manner with an opportunity to participate as specified in Section 63-504.616, shall be considered an administrative error. These households shall be entitled to restoration of lost benefits if, as a result of such error, the household was unable to participate for the month following the expiration of the certification period.

.62 CWD Action on Timely Reapplications By Monthly Reporting Households

- .621 The CA 7 shall be mailed to the household at the normal mailing time or along with the notice of action informing them of the expiration of their certification period. Return of both the CA 7 and the application is required to complete the recertification.
 - (a) The CA 7 shall be submitted and completed as specified in Section 63-504.3.
 - (b) The application form shall be submitted to the CWD no later than the time of the interview.
 - (c) If the household has not previously filed a complete CA 7, the household may submit it at the interview. In no event shall the reapplication be considered timely if a complete CA 7 is submitted after the 11th of the last month of the certification period.

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- .622 The CWD shall: 1) recertify the household using information on the CA 7 for the corresponding budget month to determine the household's benefit level for the first month of the new certification period; 2) delay reflecting information from the recertification interview affecting the household's benefit level until the second month of the new certification period if necessary to continue retrospective budgeting; and 3) continue to determine the household's prospective eligibility in accordance with Section 63-503.231.
- .623 PA and PA categorically eligible households that are jointly processed as specified in Section 63-301.6 shall, to the extent possible, be recertified for Food Stamps at the same time that their PA eligibility is redetermined.
- (a) These households may be recertified in the month prior to the last month of the certification period in conjunction with the PA redetermination. The new certification period shall begin with the last month of the old certification period.
- (b) If the recertification is not completed in the month prior to the last month of the certification period, the application shall be held pending and the household provided a notice of action informing them of the expiration of their certification period. The recertification shall be completed during the last month of the certification period.
- .624 Households that receive a notice of action informing them of the expiration of their certification period shall be subject to the verification requirements specified in Section 63-504.3 for information provided on the CA 7. These households shall not be subject to the other CA 7 processing provisions specified in Section 63-504.3 in the last month of the certification period. The recertification provisions specified in Section 63-504.6 are in effect in this month.
- (a) PA households whose recertifications are completed in the month prior to the last month of the certification period shall be subject to all provisions of Section 63-504.3 in that month, except that they shall be provided a notice of action informing them of the approval or denial of their reapplication, instead of a notice as specified in Section 63-504.26.
- (b) All changes reported on the application shall be subject to the same verification procedures as apply at initial certification, including categorically eligible households, as specified in Sections 63-301.71, .72, and .82.

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	(Continued)	

.63 Process for Recertifying Nonmonthly Reporting Households

.631 The following verification requirements shall apply at recertification:

- (a) The CWD shall verify the following: A change in income or actual utility expenses if the source has changed or the amount has changed by more than \$25; previously unreported medical expenses and total recurring medical expenses which have changed by more than \$25; a change in the legal obligation to pay child support or an increase in the amount of child support paid.
- (b) The CWD shall not verify the following: income if the source is unchanged and the amount has changed by \$25 or less; changes of \$25 or less in total medical expenses or actual utility expenses; or decreases in the amount of child support paid. However, any questionable information related to the above expenses which is incomplete, inaccurate, inconsistent, or outdated shall be verified.

.7 Identification (ID) Cards

.71 The CWD shall issue an ID card to each certified household as proof of eligibility. The ID card may be serially numbered at the CWD's option, except as provided in Section 63-504.84. ID cards shall be issued in the name of the household member who is authorized to receive the household's issuance. Any person listed on the ID card shall sign the ID card prior to using it.

.711 If the household does not name an authorized representative, the CWD shall void that area of the ID card to prevent names and signatures from being entered at a later date.

.712 The CWD shall place an expiration date on those ID cards issued to households that have been certified for delivered meals for a temporary period or any other temporary ID cards issued by the CWD.

.72 Specially Marked ID Cards

.721 Any household eligible for and interested in using delivered meal services shall receive an ID card marked with the letter "M".

.722 Any household eligible for and interested in using communal dining facilities shall receive an ID card marked with the letters "CD".

63-504	HOUSEHOLD CERTIFICATION AND CONTINUING ELIGIBILITY	63-504
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(Continued)

.73 Mailing ID Cards

ID cards delivered to a household by mail shall not be mailed in the same envelope with an authorization document, access device, or coupons.

.74 Issuance/Replacement of ID Cards

The CWD shall limit issuance of ID cards to the time of initial certification, with replacements made only in instances of loss, mutilation, destruction, changes in persons authorized to obtain or use coupons, or when the ID card format or system changes. Whenever possible, the CWD shall collect the ID card being replaced.

.8 Photo ID Cards/Systems

.81 Mandatory Photo ID Cards

.811 The use of photo ID cards is mandated in any county or portion thereof with 100,000 or more food stamp recipients.

.812 In addition, FNS may designate at any time a county or portion thereof with less than 100,000 recipients, as requiring the use of photo ID cards, if determined that the institution of photo ID cards will be justified.

.813 Any CWD that becomes subject to the photo ID card requirement shall come into full compliance no later than the first of the month that occurs 12 months after FNS notifies SDSS that the area is subject to the requirement.

.814 Any CWD may request that FNS mandate photo ID cards throughout its entire county by contacting SDSS.

.82 Exemption from a Photo ID System

In counties mandated to use photo ID cards the CWD may apply for an exemption from photo ID cards from FNS through SDSS if:

.821 The CWD is serviced entirely by mail issuance.

.822 The CWD serves between 100,000 and 110,000 recipients and within 30 days of the notice of intent to require photo ID cards the CWD demonstrates to FNS through SDSS that participation in the county has fallen below the 100,000 recipient level in the recent past or justifies why participation is likely to fall below 100,000 during the next year.

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.83 Photo ID Approvals

All photo ID card systems shall be subject to FNS approval through SDSS.

.84 Requirements of Photo ID Cards

.841 In counties mandated to use photo ID cards, the CWD shall issue photo ID cards containing at a minimum the requirements of Section 63-504.7 and the following:

- (a) A color photograph of the person who will obtain the household's coupons,
- (b) A serialized number,
- (c) A laminated signature of the person pictured on the card, and,
- (d) The household's case number.

.842 A photo ID card used to receive benefits under a welfare or public assistance program may be adapted for Food Stamp Program purposes if it meets the requirements of these regulations and can be annotated to indicate Food Stamp eligibility.

.85 Use of Photo ID Cards

Only the person photographed on the photo ID card may obtain the household's coupons. A household subject to the mandatory photo ID card requirement shall not participate until a household member or a designated authorized representative is issued a photo ID card.

.86 Issuance of Photo ID Cards

.861 The CWD shall provide households with reasonable access to photographing locations for food stamp photo ID cards.

.862 Photo ID card or an ID card annotated to indicate that the card is valid without a photograph shall be provided by the CWD at no charge to the household.

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(Continued)

- .863 The CWD shall replace photo ID cards when a new card is needed to update the photograph and as specified in Sections 63-604.74 and 63-602.521.
- .864 New photo ID cards shall also be issued when a household member becomes 60 years of age and wants a card coded "CD" for communal dining or when a resident leaves a drug or alcoholic treatment center and is no longer exempt from photo ID.
- .865 Whenever possible, the CWD shall collect photo ID cards when making a replacement.
- .87 Households Eligible for Exemptions from Photographs
- The CWD shall issue photo ID cards which meet the specifications in Section 63-504.84, but are annotated to indicate that the card is valid without a photograph when any of the following conditions exist:
- .871 The household member is a resident of a drug addict or alcoholic treatment center.
- .872 The household's religion does not allow its members to be photographed. The CWD shall require such a household to provide a signed statement to the effect that their religious beliefs do not allow them to be photographed.
- .873 The household is certified by an out of office interview, as specified in Section 63-300.4. However, the CWD should attempt to replace the nonphoto ID card with a photo ID card when the household member or authorized representative is in the office for any reason. The CWD shall not require the household member to make a special trip into the office solely for the purpose of issuing a photo ID card.
- .874 The household is entitled to expedited service, and the photo ID card system is incapable of producing a photo ID card in time for the household to participate, as specified in Section 63-301.5. An expiration date shall be placed on those nonphoto ID cards that are issued to households eligible for expedited services. A photo ID card shall be obtained prior to issuance of the household's next allotment.

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.88 Photo ID Card Waivers

.881 One or more of the minimum photo ID requirements in Section 63-504.84 may be waived for any CWD that can demonstrate that its alternate ID card or system will provide adequate safeguards against fraudulent and duplicate issuances.

.882 In counties where photo ID cards are mandated, and a waiver is desired, the CWD shall request a waiver from FNS through SDSS. Decisions on the granting of waivers will be made on a case-by-case basis.

NOTE: Authority cited: Sections 10554, 11265.1, and 18904, Welfare and Institutions Code. Reference: Sections 10554 and 18904, Welfare and Institutions Code; 7 CFR 271.2; proposed 7 CFR 273.2(f)(1)(xii) as published in the Federal Register, Vol. 59, No. 235 on December 8, 1994, (f)(8)(i); (f) (8)(i)(A) as published in the Federal Register, Vol. 59, No. 235 on December 8, 1994; 7 CFR 273.2(j)(3) and (4); 7 CFR 273.8(b); 7 CFR 273.10(d)(4), (g)(1)(i) and (ii); proposed 7 CFR 273.12(a)(1)(vi) as published in the Federal Register, Vol. 59, No. 235 on December 8, 1994, and (c); 7 CFR 273.13(a)(2); 7 CFR 273.14(b)(3); 7 CFR 273.21(e)(1), (f)(1)(iii), (f)(1)(iv)(B), proposed (h)(2)(ix) as published in the Federal Register, Vol. 59, No. 235 on December 8, 1994, (h)(3)(ii), (i), (j), (j)(1)(vi), (j)(1)(vii)(A) and (r), (j)(2)(iii), (j)(3)(ii), (j)(3)(iii)(C), and proposed (j)(3)(iii)(E) as published in the Federal Register, Vol. 59, No. 235 on December 8, 1994; 7 CFR 274.10; P.L. 100-435, Section 351, P.L. 101-624, and P.L. 103-66; Section 1717, [7 U.S.C. 2014(e)]; 7 U.S.C. 2014(d)(7) and 2017(c)(2)(B); U.S.D.A. Food and Consumer Services, Administrative Notices 94-39 and 97-50; and P.L. 104-193, Sections 801, 807 and 827 (Personal Responsibility and Work Opportunity Reconciliation Act of 1996).

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.1 Household Cooperation

.11 To determine eligibility the household or its authorized representative must:

.111 Complete and sign the application form:

.112 Be interviewed;

.113 Verify certain information on the application; and

.114 Obtain a photo ID card in counties where photo ID cards are mandated as a condition of participation, unless exempt under Section 63-504.87.

(a) If a designated authorized representative does not comply, the household may designate a household member or another authorized representative to be photographed.

.12 Refusal to Cooperate with the CWD

.121 If the household, including excluded household members identified in Section 63-402.22, refuses to cooperate with the CWD in completing this process, the application shall be denied at the time of refusal.

(a) For a determination that household refusal has occurred, the household must have been able to cooperate, and clearly demonstrated that it chose not to take such actions as are required to complete the application process.

(b) If there is any question as to whether the household has merely failed to cooperate, as opposed to refused to cooperate, the household shall not be denied.

.122 Refusal to disclose a Social Security Number (SSN) is an exception to the denial of the entire household. When an individual is required to give his/her SSN and has refused to comply, the eligibility of the other household members will not be affected (see Section 63-404).

.123 The household shall also be determined ineligible if it refuses to cooperate in any subsequent review of its eligibility, including reviews generated by reported changes, recertifications, or as part of a quality control review.

63-505	HOUSEHOLD RESPONSIBILITIES (Continued)	63-505
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- .124 Once denied or terminated for refusal to cooperate, the household may reapply but shall not be determined eligible until the household cooperates.
- .13 Refusal to Cooperate with a Quality Control (QC) Reviewer
 - .131 Once denied or terminated for refusal to cooperate, the household may reapply but shall not be determined eligible until:
 - (a) The household cooperates; or
 - (b) The household reapplies at least 95 days after the end of the annual review period in which the refusal to cooperate with a nonfederal QC reviewer occurred; or
 - (c) The household reapplies after seven months from the end of the annual review period in which the refusal to cooperate with a federal QC reviewer occurred.
 - .132 These households shall provide verification of all eligibility requirements, including items that would normally only be verified if questionable, as specified in Section 63-300.53.
- .2 Monthly Reporting/Retrospective Budgeting Households

All households participating in the Food Stamp Program except as provided in Section 63-505.21, shall report household circumstances monthly on the CA 7 as a condition of eligibility. Households shall not be required to submit any reports of changes other than the CA 7.

 - .21 The following households shall be excluded from monthly reporting and retrospective budgeting. See Section 63-504.43 for those households receiving PA.
 - .211 Migrant farmworker households, as defined in Section 63-102(m).
 - .212 Seasonal farmworker households, as defined in Section 63-102s.
 - .213 Households in which all adult members are elderly or disabled, as defined in Section 63-102(e), and have no earned income.
 - .214 Households in which all members are homeless individuals, as defined in Section 63-102(h)(1).

63-505	HOUSEHOLD RESPONSIBILITIES (Continued)	63-505
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.215 Households residing on Indian reservations.

HANDBOOK BEGINS HERE

Public Law 103-11 enacted April 1, 1993 has delayed the implementation date for Section 63-505.215 to January 31, 1994.

HANDBOOK ENDS HERE

.22 Repealed by SDSS Manual Letter No. FS-89-07, effective 11/1/89.

.3 Reported Information for Monthly Reporting Households

Households shall report on a monthly basis, the following information about the household:

.31 Budget month income, except as specified in Section 63-505.311, shelter and utility costs when there is a move, child care costs, the amount of child support payments made to a nonhousehold member as specified in Section 63-502.37, household composition, and other circumstances relevant to the amount of the food stamp allotment. This information shall be reported on the CA 7.

.311 Households need not report the receipt or amount of any PA, FC, GA, RCA, ECA or child/spousal support disregard payments paid by the CWD from which the household is receiving food stamp benefits.

.32 Any changes in income, shelter and utility costs when there is a move, child care costs, a change in the legal obligation to pay child support payments to a nonhousehold member, resources or other relevant circumstances affecting eligibility which the household expects to occur in the current month or in future months, or which occurred in the budget month.

.33 For food stamp purposes, households need not provide PA only information requested on the CA 7.

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.4 Verification Responsibilities for Monthly Reporting Households

- .41 The CWD may request verification be submitted for any item that has changed or appears questionable. Monthly reporting households shall provide verification of the following information reported on the CA 7:
- (a) Gross nonexcluded earned income each month; nonexcluded unearned income and the source of excluded income when first reported and when there is a change, except as specified in Sections 63-505.311 and 63-504.325(a).
 - (b) Dependent care costs when there is a change in the source or amount and when there is questionable information which is inaccurate, incomplete, outdated or inconsistent.
 - (c) If the household voluntarily reports a change in its medical expenses, the CWD shall verify the change as specified in Section 63-504.421 before acting on it if the change increases the household's allotment. In the case of a reported change that decreases the household's allotment, or makes the household ineligible, the CWD shall act on the change without requiring verification, although verification which is required as specified in Section 63-504.421 shall be obtained prior to the household's recertification.
 - (d) Utility costs which entitle the household to the standard utility allowance (SUA), when first allowed and when the household moves.
 - (e) Utility costs, if the household is claiming actual expenses, when first allowed as a deduction and when the household moves;
 - (f) Shelter costs when first allowed as a deduction or when the household moves;

63-505	HOUSEHOLD RESPONSIBILITIES (Continued)	63-505
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- (g) Residency as defined in Section 63-401 when there is a change, except for categorically eligible households.
- (h) Social Security Number, except for PA categorically eligible households;
- (i) Actual cost of doing business expenses, if self-employed, with each CA 7.
- (j) Changes in the legal obligation to pay child support and/or an increase in the amount of the child support payments.

.5 Reporting Changes for Households Excluded from Monthly Reporting Requirements

.51 Household Responsibility to Report

The CWD shall not impose any food stamp reporting requirements on nonmonthly reporting households except as provided in Sections 63-505.511 through .516. Certified households shall report the following changes in circumstances:

- .511 Changes in the sources of income or in the amount of gross monthly income of more than \$25.
 - (a) Changes in the public assistance or the general assistance grant are not required to be reported. Since the CWD has prior knowledge of all changes in these grants, action shall be taken on the CWD information.
 - (b) Households are not required to report changes in income that result from Social Security COLAs.
- .512 All changes in household composition, such as the addition or loss of a household member;
- .513 Changes in residence and the resulting change in shelter expenses;

63-505	HOUSEHOLD RESPONSIBILITIES (Continued)	63-505
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- .514 The acquisition of a licensed vehicle not fully excludable under Section 63-501.
 - .515 When cash on hand, stocks, bonds and money in a checking or savings account reach or exceed the maximum resource eligibility standard as specified in Section 63-409.12.
 - .516 A change in the amount of child support payments made to a nonhousehold member as specified in Section 63-502.37, and/or a change in the legal obligation to pay child support.
- .52 Timeliness Requirement for Reporting Changes of Nonmonthly Reporting Households

All households shall report changes within 10 days of the date the change becomes known to the household except nonmonthly reporting households who file PA monthly reports. The ten-day reporting period will begin the day the change becomes known. The change may be reported by telephone, by personal contact, or by mail, and may be reported by a household member, the household's authorized representative, or any person having knowledge of the household's circumstances. When the report is made by mail, it may not reach the CWD within the ten-day period. Households will have met the reporting requirement provided the letter is postmarked within the ten-day period. Nonmonthly reporting households which report changes on the PA monthly reporting form shall be considered to have met their food stamp reporting requirements.

This reporting requirement does not apply to households incurring an increase in monthly medical expenses of \$25 or more. To be permitted a deduction for an increase in medical expenses, the household must report the expense in the month of billing or when the bill otherwise becomes due, in accordance with Section 63-503.251 (medical expenses billing).

It is likely that households will not become aware of the exact amount of the decrease in monthly medical costs until the end of the month, when all expenses can be totaled. The CWD shall take the following action on properly reported decreases in medical expenses;

- .521 If the change in monthly medical costs is a one-time only decrease and will not continue in the remaining months of the certification period, no action is required.

63-505	HOUSEHOLD RESPONSIBILITIES (Continued)	63-505
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- .522 If the decrease in monthly medical costs is expected to continue past the month of report, the CWD shall act on the change, in accordance with Section 63-504.42.

.6 Other Changes

Although not required, households are to be encouraged to report the following changes since such changes may entitle the household to an increased food stamp allotment.

- .61 A household member reaches age 60, or becomes disabled, as defined in Section 63-102(i).
- .62 The household incurs a dependent care cost, or an increased dependent care cost (within the maximum).
- .63 A change in status of citizenship or work registration.
- .64 The household incurs a new medical expense, or an increased medical expense of more than \$25.

NOTE: Authority cited: Sections 10554 and 18904, Welfare and Institutions Code. Reference: 7 CFR 273.2(j)(3) and (4); 7 CFR 273.10(d)(4); 7 CFR 273.11(a)(2)(iii); 7 CFR 273.12, (a)(1)(i), and proposed .12(a)(1)(vi) as published in the Federal Register, Vol. 59, No. 235 on December 8, 1994; 7 CFR 273.2(d); proposed 7 CFR 273.2(f)(1)(xii) as published in the Federal Register, Vol. 59, No. 235 on December 8, 1994; 7 CFR 273.21(b), (b)(4), proposed (h)(2)(ix) as published in the Federal Register, Vol. 59, No. 235 on December 8, 1994, (h)(3), and (i); P.L. 100-435, Section 351; P.L. 101-624, Section 1717 [7 U.S.C. 2014(e)] and Section 1723 [7 U.S.C. 2015(c)(1)(A)]; P.L. 102-237, Section 908 [7 U.S.C. 2016(h)(1)]; and Sections 10554 and 18904, Welfare and Institutions Code.

63-506	EXCLUDED RESOURCES AND/OR INCOME OF NATIVE AMERICANS OR ALASKA NATIVES	63-506
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- (a) Indian lands held jointly with the Tribe, or land that can be sold only with the approval of the Department of Interior's Bureau of Indian Affairs.
- (b) Funds or assets of, or payments to Native American tribal members or Alaska Natives shall be excluded as resources and/or income for Food Stamp purposes if specifically excluded by any other federal law. These exclusions include, but are not limited to:
- (1) Payments received under the Alaska Native Claims Settlement Act (Public Law [P.L.] 92-203, Section 29 and P.L. 100-24, Section 15 or the Sac and Fox Indian claims agreement (P.L. 94-189, Section 6);
 - (2) Payments received by certain Indian tribal members under P.L. 94-114, Section 6, regarding submarginal land held in trust by the United States;

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- (A) The following tribes may benefit from the provisions of Section 63-506(b)(2);
1. Bad River Band of the Lake Superior Tribe of Chippewa Indians of Wisconsin;
 2. Blackfeet Tribe;
 3. Cherokee Nation of Oklahoma;
 4. Cheyenne River Sioux Tribe;
 5. Crow Creek Sioux Tribe;
 6. Lower Brule Sioux Tribe;
 7. Devils Lake Sioux Tribe;
 8. Fort Belknap Indian Community;
 9. Assiniboine and Sioux Tribes;

HANDBOOK CONTINUES

63-506	EXCLUDED RESOURCES AND/OR INCOME OF NATIVE AMERICANS OR ALASKA NATIVES (Continued)	63-506
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HANDBOOK CONTINUES

10. Lac Corte Oreilles Band of Lake Superior Chippewa Indians;
11. Keweenaw Bay Indian Community;
12. Minnesota Chippewa Tribe;
13. Navajo Tribe;
14. Oglala Sioux Tribe;
15. Rosebud Sioux Tribe;
16. Shoshone-Bannock Tribe; and the
17. Standing Rock Sioux Tribe.

HANDBOOK ENDS HERE

- (3) Payments received from the disposition of funds to the Grand River Band of Ottawa Indians (P.L. 94-540).
- (4) Payments received by the Confederated Tribes and Bands of the Yakima Indian Nation and the Apache Tribe of the Mescalero Reservation from the Indian Claims Commission (P.L. 95-433, Section 2).
- (5) Payments made to the Passamaquoddy Tribe, the Penabsco Nation, or the Houlton Band of Maliseet, or any Indian household or member thereof, pursuant to the Main Indian Claims Settlement Act of 1980 (P.L. 96-420, Section 9(c)).
- (6) Payments of relocation assistance to members of the Navajo and Hopi Tribes (P.L. 93-531, Section 22).
- (7) Funds that meet any of the criteria specified in Section 63-506(b)(7)(A);
 - (A) Funds appropriated to satisfy judgements of the Indian Claims Commission or Claims Court (P.L. 93-134, P.L. 97-458 and P.L. 98-64) which:

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**EXCLUDED RESOURCES AND/OR INCOME OF NATIVE AMERICANS
OR ALASKA NATIVES (Continued)**

63-506

1. Are distributed per capita, not exceeding \$2,000, or held in trust according to an approved plan.
 2. As of January 12, 1983, were to be distributed per capita, up to \$2,000, or held in trust according to a plan approved by Congress prior to January 12, 1983.
 3. Were distributed according to a plan approved by Congress after December 31, 1981, but prior to January 12, 1983, and any purchases made with such funds; or
 4. Are per capita payments, not exceeding \$2,000, from funds which are held in trust by the Secretary of the Interior (trust fund distribution).
- (B) For purposes of this section, the \$2,000 limit on per capita shares applies to each payment made to each household member.
- (C) Purchases made with payments distributed between January 1, 1982 and January 12, 1983 shall be excluded from resources to the extent excluded funds were used to make such purchases.
- (8) Interests of individual Indians in trust or restricted lands shall be excluded as resources only; and any income from such interests, up to \$2,000 per calendar year per individual shall be excluded as income only (P.L. 93-134, P.L. 97-458, and P.L. 103-66, Section 13736).
- (A) For purposes of this section, interests include the individual's right to, or legal share of, the trust or restricted land and any resulting income.
- (B) For purposes of this section, the exclusion applies to each individual household member who holds an interest or legal share.
- (9) Assistance received under the Indian Child Welfare Act child and family service grant programs on or near reservations (P.L. 95-608). These programs include, but are not limited to: family assistance, day care, after school care, respite care, recreational activities, home improvement, employment of domestic relations and child welfare personnel, and education and training.

63-506	EXCLUDED RESOURCES AND/OR INCOME OF NATIVE AMERICANS OR ALASKA NATIVES (Continued)	63-506
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- (10) Payments made to the following: Turtle Mountain Band of Chippewas, Arizona (P.L. 97-403); Blackfeet, Grosventre, Assiniboiné tribes, Montana, and the Papago Tribe, Arizona (P.L. 97-408); Red Lake Band of Chippewa Indians (P.L. 98-123, Section 3); White Earth Band of Chippewa Indians, Minnesota, pursuant to the White Earth Reservation Land Settlement Act of 1985 (P.L. 99-264, Section 16); and Saginaw Chippewa Indian Tribe of Michigan (P.L. 99-346, Section 6(b)(2)).
- (11) Per capita and interest payments made to members of the Assiniboiné Tribe of the Fort Belknap Indian Community and the Fort Peck Indian Reservation, Montana (P.L. 98-124, Section 5).
- (12) Funds paid to heirs of deceased Native Americans under the Old Age Assistance Claims Settlement Act, except for per capita shares exceeding \$2,000 (P.L. 98-500, Section 8).
- (13) Funds distributed per capita or held in trust for the Chippewas of Lake Superior and the Chippewas of the Mississippi (P.L. 99-146, Section 6(b) and P.L. 99-377).
- (14) Funds, assets or income from the trust fund established pursuant to the Puyallup Tribe of Indians Settlement Act of 1989 (P.L. 101-41, Sections 10(b) and (c)).
- (15) Payments made to the Seminole Nation of Oklahoma, the Seminole Tribe of Florida, the Miccosukee Tribe of Indians of Florida and the independent Seminole Indians of Florida to satisfy the judgments of the Indians Claims Commission, except for per capita payments exceeding \$2,000 (P.L. 101-277).
- (16) Payments, funds distributions or income under the Seneca Nation Settlement Act of 1990 (P.L. 101-503, Section 8(b)).

63-506	EXCLUDED RESOURCES AND/OR INCOME OF NATIVE AMERICANS OR ALASKA NATIVES (Continued)	63-506
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NOTE: Authority cited: Sections 10553, 10554, 11209, and 18904, Welfare and Institutions Code. Reference: Section 10554, 18901, and 18904, Welfare and Institutions Code; 7 Code of Federal Regulations (CFR) 273.8(e)(10) and (e)(11); 7 CFR 273.9(c)(10); Public Law (P.L.) 92-203, Section 29; P.L. 93-134; P.L. 93-531, Section 22; P.L. 94-114, Section 6; P.L. 94-189, Section 6; P.L. 94-540; P.L. 95-433, Section 2; P.L. 95-608; P.L. 96-420, Section 9(c); P.L. 97-403; P.L. 97-408; P.L. 97-458; P.L. 98-64; P.L. 98-123, Section 3, P.L. 98-124, Section 5; P.L. 98-500, Section 8; P.L. 99-146, Section 6(b); P.L. 99-264, Section 16; P.L. 99-346, Section 6(b)(2); P.L. 99-377; P.L. 100-241, Section 15; P.L. 101-41, Sections 10(b) and (c); P.L. 101-277; P.L. 101-503, Section 8(b); P.L. 103-66, Section 13736; and United States Department of Agriculture (U.S.D.A.) Food and Nutrition Service (FNS), Administrative Notice (AN) 94-41, dated April 19, 1994.

63-507	RESOURCES AND/OR INCOME EXCLUDED BY OTHER FEDERAL LAW	63-507
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- (a) Resources and/or income shall be excluded if specifically excluded for Food Stamp purposes by any other federal law, including, but not limited to:
- (1) Benefits received by children from the following programs:
 - (A) Special Supplemental Food Program for Women, Infants and Children (WIC) (P.L. 89-642, Section 11 (b));
 - (B) Special Milk Program (P.L. 89-642, Section 11(b));
 - (C) School Breakfast Program (P.L. 89-642, Section 11(b));
 - (D) School Lunch Program (P.L. 94-105, Section 9(d));
 - (E) Summer Food Service Program for Children (P.L. 94-105, Section 9(d));
 - (F) Commodity Distribution Program (P.L. 94-105, Section 9(d));
 - (G) Child and Adult Care Food Program (P.L. 94-105, Section ((d)).
 - (2) Reimbursements from the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970 (P.L. 91-646, Section 216);
 - (3) Earned income tax credits received before January 1, 1980, as a result of P.L. 95-600 the Revenue Act of 1978.

63-507	RESOURCES AND/OR INCOME EXCLUDED BY OTHER FEDERAL LAW	63-507
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(Continued)

- (4) Allowances, earnings and payments to individuals in programs specified under the Job Training Partnership Act of 1982 (P.L. 97-300) shall be excluded, except that earnings of individuals participating in on-the-job training programs shall not be excluded as either resources or income (P.L. 97-300, Section 142(b) and P.L. 99-198.
 - (A) However, earnings of dependent household members under 19 years of age who are participating in on-the-job training under JTPA shall be excluded.
 - 1. For purposes of this provision, dependent means a child under 19 years of age who is under the parental control of an adult household member.
- (5) Payments or allowances made under any federal laws, except benefits under a state program funded under Part A of Title IV of the Social Security Act, for the purpose of energy assistance, such as the Low Income Home Energy Assistance Act (LIHEAA), or from Housing and Urban Development (HUD) or the Farmers Home Administration (FmHA) programs. One-time assistance payments or allowances under federal or state laws for weatherization or emergency repair or replacement of heating or cooling devices are excluded.
- (6) Financial educational assistance provided under any of the following:
 - (A) A program funded in whole or in part under Title IV of the Higher Education Act (P.L. 102-325);
 - (B) Bureau of Indian Affairs student assistance programs (P.L. 102-325);
 - (C) Title XIII, Indian Higher Education Programs, Tribal Development Student Assistance Revolving Loan Program (Tribal Development Student Assistance Act);
 - (D) To the extent specified in Section 63-502.2(e), the Carl D. Perkins Vocational and Applied Technology Education Act Amendments of 1990 (20 U.S.C. 2301-2466d.).

63-507 RESOURCES AND/OR INCOME EXCLUDED BY OTHER FEDERAL LAW 63-507
(Continued)

- (7) Payments received as restitution pursuant to the Civil Liberties Act of 1988, by U.S. citizens of Japanese ancestry and permanent resident Japanese aliens who were interned during World War II or their survivors; and payments received by Aleut residents of the Pribilof Islands and the Aleutian Islands west of Unimak Island pursuant to the Aleutian and Pribilof Islands Restitution Act, for injustices suffered while under United States control during World War II (P.L. 100-383, Section 105(f)(2)).
- (8) Payments received from the Agent Orange Settlement Fund or any other fund established to settle liability claims by veterans or survivors of deceased veterans concerning Agent Orange under the Agent Orange Compensation Act of 1989 (P.L. 101-201 and P.L. 101-329, Section 10405).
- (9) Earned Income Tax Credit (EITC) payments received by any household member as an advance payment or in the form of a lump sum. These payments shall be excluded for 12 months, provided the household was participating in the Food Stamp Program at the time of receipt of the EITC and provided the household participates continuously during that 12-month period (P.L. 103-66).
 - (A) Continuous participation includes breaks in participation of one month or less due to administrative reasons, such as delayed recertifications or missing or late CA 7s.
 - (B) If the pay stub does not indicate an EITC advance payment was received, no further action is required.
 - (C) If it is unclear from the pay stub what amount of EITC advance payment the recipient received, the CWD shall obtain clarification from the recipient and contact the employer if necessary to obtain the amount.
- (10) Federal major disaster and emergency assistance provided to individuals and families under the Disaster Relief Act of 1974 (as amended by P.L. 100-707, Section 105(i)), and comparable disaster assistance provided by states, local governments, and disaster assistance organizations as a result of a major disaster.

63-507	RESOURCES AND/OR INCOME EXCLUDED BY OTHER FEDERAL LAW	63-507
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(Continued)

- (11) Payments received from the Radiation Exposure Compensation Trust Fund by an individual for certain diseases attributed to radiation exposure pursuant to the Radiation Exposure Compensation Act of 1990 (P.L. 101-426, Section 6(h)(2)).
- (12) Any amount by which the basic pay of an individual is reduced under the Veterans' Benefits Improvement and Health-Care Authorization Act of 1986 (P.L. 99-576, Section 303(a)(1)).
- (13) Any payment to volunteers under Title II of the Domestic Volunteer Services Act, including but not limited to the Retired Senior Volunteer Program (RSVP), Foster Grandparents Program and Senior Companion Program shall be excluded as income only (P.L. 93-113, as amended).
- (14) Any payments under Title I of the Domestic Volunteer Services Act, including but not limited to VISTA, University Year for Action and Urban Crime Prevention Program to volunteers who were receiving food stamps or public assistance at the time they joined the Title I program shall be excluded as income only. In addition, those individuals who were receiving an income exclusion for a VISTA or other Title I subsistence allowance at the time of conversion to the Food Stamp Act of 1977 shall continue to receive the income exclusion for VISTA for the length of their volunteer contract in effect at the time of conversion. Temporary interruptions in Food Stamp Program participation shall not affect the exclusion once eligibility has been determined (P.L. 93-113, as amended).
- (15) Funds received by individuals age 55 and over provided by the Senior Community Service Employment Program (SCSEP) under Title V of the Older Americans Act shall be excluded as income only (as amended by P.L. 100-175, Section 166).

HANDBOOK BEGINS HERE

- (A) The following organizations receive Title V funds under the Older Americans Act:
- 1. Green Thumb
 - 2. National Council on Aging

HANDBOOK ENDS HERE

63-507	RESOURCES AND/OR INCOME EXCLUDED BY OTHER (Continued)	63-507
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HANDBOOK BEGINS HERE

3. National Council of Senior Citizens
4. American Association of Retired Persons (AARP)
5. U.S. Forest Service
6. National Association for Spanish-Speaking Elderly
7. National Urban League
8. National Council on Black Aging

HANDBOOK ENDS HERE

- (16) The value of any child care provided or arranged for, or child care payments made under the programs specified in Sections 63-507(a)(16)(A) through (a)(16)(C) shall be excluded as income only.
- (A) Title IV-A of the Social Security Act, including transitional child care (P.L. 100-485, Section 301).
- (B) The At-Risk Block Grant (P.L. 101-508, Section 5801).
- (C) The Child Care and Development Block Grant (P.L. 102-586, Section 8).
- (17) Allowances, earnings, and payments made under Title I of the National and Community Service Act (NCSA) of 1990 shall be excluded (P.L. 101-610, Section 177(d)). The NCSA includes programs under the Serve America, American Conservation and Youth Corps, and National and Community Service subtitles.
- (A) Earnings of individuals, except dependent household members under 19 years of age, participating in on-the-job training under Title I programs shall not be excluded, consistent with the provisions of Sections 63-502.135 and 63-507(a)(4).

63-507	RESOURCES AND/OR INCOME EXCLUDED BY OTHER FEDERAL LAW	63-507
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HANDBOOK BEGINS HERE

- (B) Examples of programs under Title I of the NCSA include: the Higher Education Service-Learning Program; the AmeriCorps umbrella program, including the National Civilian Community Corps and the Summer for Safety programs; and the School-to-Work Opportunities Program.

HANDBOOK ENDS HERE

- (18) Payments made to individuals because they have been determined to be victims of Nazi persecution (P.L. 103-286, Section (1)).

NOTE: Authority cited: Sections 10553, 10554, 11209, and 18904, Welfare and Institutions Code. Reference: Sections 10554, 18901, 18902, and 18904, Welfare and Institutions code; 7 Code of Federal Regulations (CFR) 273.8(e)(11) and (12)(ii); 7 CFR 273.9(c)(10); Public Law (P.L.) 89-642; P.L. 91-646, Section 216; P.L. 93-113; P.L. 94-105, Section 9(d); P.L. 95-531; P.L. 95-600; P.L. 97-300, Section 142(b); P.L. 99-425, Section (e); P.L. 99-576, Section 303(a)(1); P.L. 100-50; P.L. 100-175, Section 166; P.L. 100-383, Section 105(f)(2); P.L. 100-485, Section 301; P.L. 100-707, Section 105(i); P.L. 101-201; P.L. 101-329, Section 10405; P.L. 101-426; P.L. 101-508, Section 5801; P.L. 101-610, Section 177(d); P.L. 102-325; P.L. 102-586; P.L. 103-286, Section 1; 20 United States Code (U.S.C. 2301-2466d; United States Department of Agriculture (U.S.D.A.), Food and Nutrition Service (FNS), Administrative Notice (AN) 94-41, dated April 19, 1994; U.S.D.A., FNS, ANs 94-58 and 94-59, dated July 5, 1994; U.S.D.A., FNS, AN 94-72, dated September 15, 1994; P.L. 104-193, Sections 808 and 827 (Personal Responsibility and Work Opportunity Reconciliation Act of 1996); and Administrative Notice 96-48.